

July 20, 2011

CLERK, U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

In re

JAMES L. MACKLIN,

Debtor.

Case No.: 10-44610-E-7

JAMES L. MACKLIN,

Plaintiff,

Adv. Proc. No. 11-02024-E

v.

DEUTSHE BANK NATIONAL TRUST
 CO., AS INDENTURE TRUSTEE FOR
 THE ACCREDITED MORTGAGE LOAN
 TRUST 2006-2 ASSET-BACKED NOTES,
 et al.

Defendants.

**TRUSTEE'S STATUS CONFERENCE
STATEMENT**

Date: July 28, 2011
 Time: 1:30 p.m.
 Dept: E (Courtroom 33)

To the Honorable Ronald Sargis, U. S. Bankruptcy Judge:

Thomas Aceituno, Chapter 7 Trustee ("Trustee"), by and through his attorney of record,
 hereby submits the following status conference statement.

The Trustee has filed a motion to intervene as co-Plaintiff with the Debtor in the above-
 captioned adversary proceeding. That motion is scheduled for hearing on July 28, 2011 at 1:30
 p.m. in this Court.

1 Defendants have not yet responded to the First Amended Complaint, filed herein by the
2 Debtor on June 17, 2011. By prior order of the Court, the Defendants' time for responding to the
3 First Amended Complaint was extended to August 3, 2011.

4 Until (1) the Court rules on the motion to intervene; (2) the status of the Debtor as a party
5 is determined; and (3) the complaint is finalized and an answer is filed, a discovery conference
6 among the parties would be premature. At this point, none of the named parties know who will
7 be the actual parties litigating the case and the factual issues as to which discovery will be
8 required. For example, to the extent that the Defendants admit particular allegations in their
9 answer to the First Amended Complaint (or subsequent amended complaint), no discovery will
10 be necessary as to that allegation. If, on the other hand, a particular allegation is denied, then
11 discovery may be required to allow proof of that allegation. At this point, it is impossible to
12 know the issues or the discovery which will be necessary in order to resolve those issues.

13 On May 19, 2011, the Court issued a preliminary injunction against ouster of the Debtor
14 from the property which is the subject of the within litigation, on condition that the Debtor pay
15 \$1500 per month as security. It is the Trustee's intention to seek a modification of the injunction
16 to revise the requirement of monthly payments, since under Fed.R.Bankr.P. 7065, trustees are
17 not necessarily subject to the requirements of Fed.R.Civ.P. 65(c) (requiring security for a
18 preliminary injunction).

19 Trustee suggests that the status conference be continued for approximately 60 to 90 days
20 to allow for finalization of the pleadings.

21
22 Dated: July 20, 2011

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25 By: /s/Gregory J. Hughes
26 Gregory J. Hughes, Attorney for
27 Trustee Thomas A. Aceituno
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